

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

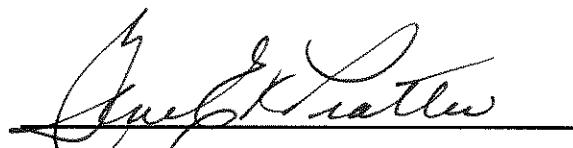
DESMOND ABERNATHY,	:	
<i>Petitioner</i>	:	CIVIL ACTION
	:	
V.	:	
	:	
THE COMMONWEALTH OF	:	
PENNSYLVANIA,	:	
<i>Respondent</i>	:	No. 21-1785

ORDER

AND NOW, this 5th day of April, 2022, upon consideration of the Petitioner Desmond Abernathy's Petition for Writ of Habeas Corpus (Doc. No. 1), Mr. Abernathy's Amended Petition (Doc No. 5), Mr. Abernathy's Motion to Vacate and Void the state court judgment (Doc. No. 6), United States Magistrate Judge Henry Perkin's Report and Recommendation (Doc. No. 12), and Mr. Abernathy's Objections (Docs. No. 13, 14), it is hereby **ORDERED** that:

1. The Report and Recommendation (Doc. No. 12) is **APPROVED** and **ADOPTED**;
2. Mr. Abernathy's Petition for Writ of Habeas Corpus (Docs. No. 1, 5) is **DISMISSED WITHOUT PREJUDICE** for failure to exhaust;
3. There is no probable cause to issue a certificate of appealability;
4. Mr. Abernathy's Motion to Vacate and Void the state court judgment (Doc. No. 6) is **DENIED**; and
5. The Clerk of Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:



GENE E.K. PRATTER  
UNITED STATES DISTRICT JUDGE